

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application Serial No. 09/837,562)

Group Art Unit: 1623

Filing Date: April 19, 2001)

Examiner: Fonda, Kathleen Kahler

For: Composition And Method For
Normalizing Impaired Or
Deteriorating Neurological
Function)Docket No: 12439.104US
(Formerly 12439.101B)

Inventor: Edward Larry McCleary)

Paper No. 11

CERTIFICATE OF TRANSMISSION UNDER 37 CFR 1.8

I hereby certify that this correspondence, along with all papers referred to as being transmitted, are being facsimile transmitted to the Patent and Trademark Office Fax No. (703) 308-4556.

December 13, 2002
DateElaine C. Von Spreckelsen
Elaine C. Von Spreckelsen

BOX NON-FEE AMENDMENT
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Sir:

This paper is responsive to the Office Action mailed November 14, 2002, hereinafter referred to as "the Office Action".

ELECTION

Applicant was required in the Office Action under 35 U.S.C. 121 to elect a single species (i.e., a specific "agent") disclosed for each of the ingredients (A) – (F) for prosecution on the merits. Applicant elects the following species: (A) B-vitamins; (B) ALA; (C) methyl donors; (D) huperzine A; (E) pyridoxine; and (F) vinpocetine. Claims 1, 2, 4, 6, 10 – 14, 24, 25, 27, 29, 33, 34 – 37, and 46 – 52 read on these species and are hereby elected.

REMARKS

The examiner has required an election of species and such an election has been made. It is however, believed that the generic claims 1 and 24 are allowable, and thus all claims should be allowable. That is, though the election of only 26 out of 52 claims has

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